IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 378 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ALPA MARKETING ENTERPRISE

Versus

BHAGWATI TRADERS

Appearance:

1. Special Civil Application No. 378 of 2003

MR MB GANDHI for Petitioner No. 1

MRS TRUSHA M GANDHI for Petitioner No. 1-1/3-1/3

MR SAMIR J DAVE for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 29/09/2004

ORAL JUDGEMENT

1. The present petition is directed against the order dated 5th August, 1999 passed by the learned City

Civil Judge, Ahmedabad below Exh. 53 in Summary Suit No. 2241/1998, whereby an unconditional leave to defend the suit was granted to the respondents.

2. I have heard the learned advocates for the respective parties and have perused the relevant record. However, on the facts and circumstances of the case, I am of the opinion that it will be in the interest of justice, if without entering into the merits of the case, the Trial Court is directed to consider and dispose of the suit on merits and in accordance with the law.

2.1. Accordingly, it is directed that the Trial Court shall dispose of the suit within a period of nine months from the date of receipt of the order of this Court.

3. With the above direction, the petition stands disposed of. Rule is discharged.

[K.S. JHAVERI, J.]

/phalguni/